Vol. II. Numb. 17.

The EXAMINER.

From Thursday *March* 20, to Thursday *March* 27. 1712.

Machiavel ſaith, in his Diſcourſes, 'That never any Republick in 'good Order, conſider'd the *Faults* 'of their Citizens with their De- 'ſerts; but having ordained Reward for good 'Service, and Puniſhment for ill, and rewarded 'a Perſon when he had done well; if, after- 'wards, he commit any Offence, they chaſtiſe 'him without any Regard to his former Merits. 'And when theſe Orders are ſtrictly obſerved, 'a City continues long free, otherwiſe it would 'ſoon go to Ruin. For if a Man grown into 'great Reputation, for ſome notable piece of 'Service done to the State, ſhould take upon 'him the Confidence, that he could without 'danger of Puniſhment commit any Offence, 'in a ſhort time he would become ſo unreaſon- 'ably inſolent, that the Civil State could no 'no longer conſiſt.

Machiavel illuſtrates this Obſervation with ſeveral Examples; among others, 'that of '*Manlius Capitolinus*, who ſeeking to get the 'People of his Faction, was, without any re- 'gard had of his good Deſerts, thrown head- 'long down from that *Capitol* which he, to his 'great Renown, had formerly delivered." There are ſeveral Things that may, no doubt, deſtroy the Merit of paſt Services, and even take away Commiſeration from the Perſon who hath performed them. Should a General win many Battles, beat the Enemy ſucceſsfully where-ever he met him; yet perform this only to make his particular Advantage of the War, by impoveriſhing his Country, and thereby incapacitating them to prevent whatever Deſigns he, in his Ambition, ſhould form, tho' it were that of overturning the Commonwealth, would he find any Perſon of Virtue to compaſſionate him, when he were removed from his Authority and Power of doing Miſchief? tho' they were reflecting upon his good Actions, they muſt ſay that were too Slender, too gentle a Puniſhment, for the great Evils he had occaſioned; the unprecedented Wants and Miſeries he, in his Self-Intereſt, had brought upon his Country. In like manner, to deſcend from great to ſmall Examples, If a Soldier that had behaved himſelf with diſtinguiſhing Bravery at *Ramilles*, ſhould afterwards be taken breaking a Houſe, would not the Jury be obliged to find the *Burglary?* This may ſerve in Anſwer to ſome part of the following Letter, which was ſent me by the Poſt, without a Name. I ſuppoſe the Whole to be Fact, becauſe I do not ſee what end my Coreſpondent could have in impoſing upon me, in a Caſe that muſt neceſſarily be a publick one.

To the Examiner.

SIR, Dorcheſter, March 21.

THIS Day there was a Tryal at our Aſſizes, *in which ſomething particular happen'd, that very well deſerves a place among thoſe Caſes, which have been ſubmitted to your equal and impartial Judgment. A poor* half-ſtarv'd *Wretch was brought to the Bar in a Red Coat, and* Indicted *for Robbing a very honeſt Woman, a Widow, who, it ſeems, had been charitable to him, and often reliev'd him in his Neceſſities. He was charg'd with ſeveral other Facts, as ſtealing a Peck* Loaf *and an* Ammunition *Coat (the ſame he had then on) from one of his Comrades. The Evidence againſt him was very clear, and not a Man in the* Court *imagin'd he had any thing to offer in his Defence; but, to our great Surprize, when it came to his turn to ſpeak for himſelf, in a very long and moving Harangue, the Priſoner deliver'd himſelf to the following effect:* 'That he had long ſerv'd' 'Her Majeſty: Had fought for the Proteſtant *Re-* 'ligion: Had been at the Battles of Hochſtet, Ra- 'milly, Audenard *and* Mons: *Had taken a new* 'pair of Colours at Donawert; *and when* Liſle *was* 'ſurrender'd, was within two Miles of the Place: 'Had a lac'd Hat *given him by a* German *Officer,* 'in Conſideration of his good Services, *and was once* 'offer'd to be made a Dutch *Serjeant; with a great deal more to the ſame purpoſe. This Defence was embeliſh'd with a very excellent and accurate Account of* French *Chains, Wooden Shooes,* Popery, Pretender, *and the Counteſs of* Tyrconnel. *He concluded with an artful and modeſt Requeſt to the Court, That he might go for a Soldier, and humbly mov'd to be ſent again into* Flanders. *We were ſenſibly touch'd with his Caſe, and ſurpriz'd to hear ſo many fine things from one of his Appearance and Education. But, to our great Diſappointment, notwithſtanding his Eloquence aud Addreſs, and the Teſtimony of a* Lieutenant, *and one or two more Subalterns, who aſſur'd the Judge that he was a good* Duty-Man, *and had often diſtinguiſh'd himſelf as a* Spy *and a* Centinel; *nay, tho' his Wife was very Clamorous, and the good Widow ſeem'd inclin'd not to inſiſt on Reſtitution; yet the Jury, according to the rigorous Letter of the Law, found him Guilty, and he is in a fair way to be hang'd. Some of our Juſtices, eſpecially two who live near* Blandford *in this County, ſeem to doubt whether a Gentleman of the Army, who has been at* Blaregnies, *is within the Statute againſt* Felony; *and they affirm, if an Ap-*

peal

peal could lie, to bring it before a Court-Martial, *it would certainly be brought in* Plunder *or a* Perquiſite. *For my own part, I muſt be under your Judgment, as a* Prudent *Man, whether I may not ſet my Hand to a Petition for a* Reprieve *at leaſt, if not for a* Pardon. *If you pleaſe to direct my Caution in this Affair, I ſhall take it as a particular Favour; for I am, with much Eſteem,*

Your, &c.

P. S. Sir, *The* Ordinary, *and two or three other Divines, have been with the* Condemn'd *Criminal; but he has ſent for the Chaplain of his Regiment, and ſince he came, perſiſts in an Opinion, that he has a very* hard Caſe. *He talks of the Privileges the* Romans *had, and ſeems to be very well read in what relates to the Rewards that were beſtow'd upon Soldiers in thoſe Days, compar'd to the Hardſhips in ours.*

The Gentleman, whoever he be, that drew up this Letter, hath the Art of touching the Paſſions: I find my ſelf ſo ſenſibly concerned for the Criminal, that I am very ready to ſet my Hand to a Petition for a Reprieve, that he may once more ſerve his Queen and Country. I fancy if this brave Fellow had not been defrauded of his Bread in *Flanders*, he would never have needed to ſteal a Peck Loaf in *England*. It is very unequal, that one Man muſt die for ſo ſmall a Matter; and another, who purloins by Waggon-Loads, ſhould live and flouriſh, only by the greatneſs of the Fact. I had not enter'd upon ſo ſtale and worn out a Topick, did I not obſerve half the Libels in Town ſtuffed every day with the Juſtification of a Perſon, who hath been proved as undeniably Guilty, as this poor Centinel could be, with his *One* Peck-Loaf. *Caius Marius*, from as mean a State as this Soldier's, by ſuch gallant Actions, was raiſed to be ſeven times Head of the Commonwealth; but had his General been as backward in diſtinguiſhing, encouraging or rewarding Merit, he might have periſhed in as much Obſcurity. I doubt not but that there are many ſuch brave Men, to whom their General owes his Glory, that do but carry a Musket ſtill.

According to the Notion I have of Military Diſcipline, a Soldier who takes a pair of Colours from the Enemy, hath ſignaliz'd himſelf enough to pretend to ſome degree of Preferment. Ours, doubtleſs, had met with it, if his hard Fortune had not thrown him under the Command of thoſe, who were ſo taken up with providing for their own proper Merit, they could have no leiſure to conſider that of others: Of ſuch active Particles, as are in our unhappy Criminal, was the Soul of *Alexander the Great* compoſed, which in him finding a proper Poſition, and neceſſary Circumſtances, were able to conquer the World.

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